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October 27, 2010

**VIA ECF**

Honorable Garrett E. Brown, U.S.D.J.  
United States District Court  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street Room 2020  
Trenton, NJ 08608

**Re: Novartis Corporation v. Teva Pharmaceuticals USA Inc.,  
Civil Action Nos. 04-4473, 08-0686 (GEB) (ES)**

Dear Judge Brown:

On behalf of the parties, we write further to the conference held before Your Honor on October 12, 2010. At issue during that conference was the production of samples by Teva and the schedule in the action.

To update the Court, Teva recently sent replacement samples of all the lower strength commercial samples (5/10, 10/20, 2.5/10 and 5/20 strength) of generic forms of the Lotrel® products, two of them to White & Case's London offices and two to its New York offices. Novartis is presently examining the samples for adherence to its requests, but the samples appear to be representative.<sup>1</sup>

Pursuant to the Court's direction, the parties have also met and conferred regarding a schedule to complete all pretrial activities. The timing of the completion of the production of samples has impacted the schedule because of the time required for analysis and potential testing. More specifically, time is required for not only Novartis, but also Teva, in response, to perform necessary expert analysis. While the parties have considered alternatives to try to have this case trial-ready by the spring of 2011, that will not be possible given the expert time required. To proceed to trial without expert analysis of the samples would be unduly prejudicial to the parties. The parties have conferred and agreed upon the attached schedule which we respectfully propose to the Court.

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<sup>1</sup> Issues remain as the higher strength samples, also known as the "ANDA samples," because there are no unexpired samples and Teva reserves the right to object to the use of these samples because they are expired. The parties are meeting and conferring on this issue.

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A conference call with Your Honor has been set for tomorrow, October 28, 2010, at 3:00 p.m. While the parties are prepared to proceed with that call, given that sample production is now complete, the parties would also be amenable to adjournment of that call, if the Court so wishes.

We thank the Court for its attention and courtesies.

Respectfully,

s/Sheila F. McShane

Enclosure

cc: Christopher Holding, Esq. (via email)  
Ira J. Levy, Esq. (via email)  
Daryl Wiesen, Esq. (via email)  
Michael Beck, Esq. (via email)  
Brendan Woodard, Esq. (via email)  
Leslie Morioka, Esq. (via email)  
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**PROPOSED SCHEDULING DATES**

<b>Event</b>	<b>Deadline</b>
Opening expert reports (damages, supplemental reports on issues for which party has the burden of proof)	February 18, 2011
Rebuttal expert reports	June 17, 2011
Reply expert reports	July 15, 2011
Close of expert discovery	August 26, 2011
Summary Judgment motions – Opening briefs	September 16, 2011
Summary Judgment motions –Opposition	October 7, 2011
Summary Judgment motions –Reply	October 14, 2011
Pretrial Conference	October 28, 2011